

## FARMINGTON CITY COUNCIL MEETING

August 16, 2011

### WORK SESSION

*Present: Mayor Scott Harbertson, Council Members John Bilton, Rick Dutson, Cory Ritz, Jim Talbot and Sid Young, City Manager Dave Millheim, Community Development Director David Petersen, City Intern Erin Vogeler, City Recorder Holly Gadd and Recording Secretary Cynthia DeCoursey*

The **Mayor** began the meeting at 6:00 p.m. with an announcement that CNN Money Magazine named Farmington City as #12 on their "Best Places to Live" list (population under 50,000). Four other cities in Utah were also on the list—North Salt Lake, Logan, Lindon, and Draper. **Cory Ritz** offered an opening prayer, and the Council discussed several of the items on the Summary Action List and other agenda items.

### REGULAR SESSION

*Present: Mayor Scott Harbertson, Council Members John Bilton, Rick Dutson, Cory Ritz, Jim Talbot and Sid Young, City Manager Dave Millheim, Community Development Director David Petersen, City Engineer Paul Hirst, City Recorder Holly Gadd and Recording Secretary Cynthia DeCoursey*

### **CALL TO ORDER:**

#### Opening Comments/Invocation/Pledge of Allegiance

**Mayor Harbertson** opened the meeting at 7:05 p.m. and welcomed those in attendance, including Youth City Council Members **TJ Jewett**, **Sarah Barfuss**, **Jace Riley**, and **Cooper VandeMerwe**. The invocation was offered by **Sid Young**, and the Pledge of Allegiance was led by local Boy Scout **Ben Jardine** of Troop 1837.

#### Approval of Minutes

#### Motion

**Cory Ritz** made a motion to approve the minutes of the August 2, 2011 City Council Meeting. The motion was seconded by **Rick Dutson** and approved by Council Members **Bilton**, **Dutson**, and **Ritz**. Council Members **Talbot** and **Young** abstained because they did not attend the meeting.

### **PRESENTATION OF PETITIONS AND REQUESTS:**

#### Request from Ozone Sports and Rockwell Relay for a Bike Race

**Tyler Servoss** said the bicycle race is scheduled for Sept. 17<sup>th</sup> from 8-12 a.m. on the Festival Days course. It will be sponsored by Ozone Sports and Rockwell Relay—they plan to cover all associated costs and conduct a door-to-door campaign to inform residents of the race. He predicted that there would be 100 racers, and benefits include exposure for local businesses and overtime pay for the police department.

The Council expressed concern regarding local residents' ability to drive and from their homes, the safety of young children, and liability coverage for the City. **John Bilton** suggested the possibility of

changing the location to Harmon's parking lot where there are fewer residents, and **Mr. Servoss** that area may be an option in the future but is not ready at this point. The entire course will be wrapped in caution tape, and the police department will be hired to assist with safety.

### Motion

**Jim Talbot** made a motion that the City Council approved the bike race with the following conditions:

1. Farmington City will be listed as an additional insured for liability coverage in the amount of \$1 million, and evidence of such insurance will be provided in writing by September 1, 2011.
2. Race sponsors will provide a cash deposit to the City in the amount of \$2000 no later than September 1, 2011 to cover the costs associated with traffic control from both Public Works and Police Department personnel.
3. Race sponsors will provide proper public notice to residents affected by the race route.
4. Race sponsors will provide safety for Farmington residents by clearly marking the race route.

The motion was seconded by **Sid Young** and approved by Council Members **Bilton, Dutson, Ritz, Talbot** and **Young**.

### SUMMARY ACTION:

#### Minute Motion Approving Summary Action List

1. Verizon Cell Tower Lease Agreement
2. Approval of Final Plat for the VanZweden Subdivision
3. Revocation and Abandonment of Easement – Farmington Creek Estates, Phase III
4. Greg Garfield Easement Request
5. Local consent for Main Events Concessions and Catering “On-Premise (Non-tavern) Beer License” and “On-Premise Banquet Liquor License”
6. Ratification of approvals of Construction & Storm Water Bond Logs
7. Approval of Disbursement Lists for May and June
8. Approval of Poll Workers for upcoming elections

### Motion

**John Bilton** made a motion to approve items #2, #6, #7, and #8 of the Summary Action List and to review Items #1 and #4 separately. The motion was seconded by **Rick Dutson** and approved by Council Members **Bilton, Dutson, Ritz, Talbot** and **Young**.

### Motion

**John Bilton** made a motion to table items #3 and #5 of the Summary Action List. The motion was seconded by **Rick Dutson** and approved by Council Members **Bilton, Dutson, Ritz, Talbot** and **Young**.

#### 4. Greg Garfield Easement Request

**Greg Garfield**, 1384 South 700 East, Kaysville, is requesting an easement for improved access to Lot #2 in the Farmington Hills East Subdivision. He referred to a letter he wrote to the City which outlines his proposal.

**Motion**

**John Bilton** made a motion to approve a perpetual access easement for Lot #2 in the Point-of-View Subdivision in exchange for certain public improvements as outlined in the June 23, 2011 request letter (copy attached) and direct staff to prepare the necessary easement documents requiring that the improvements (1-5) (as outlined in the June 23, 2011 request letter) be constructed by **Mr. Garfield** prior to the recording of the easement with an additional condition #6 requiring the project to be completed within 12 months. **Cory Ritz** seconded the motion which was approved Council Members **Bilton, Dutson, Ritz, Talbot and Young**.

**1. Verizon Cell Tower Lease Agreement**

The Council reviewed this Agreement several months ago and requested additional information regarding the look of the tower and the amount of compensation the City would receive.

**Doug Kofford**, 9847 South 500 West, Sandy, said the height of the pole will be 60 feet. Verizon will be the only carrier using the cell tower, and they do not actively market to other carriers. The fence will be chain link with barbed wire, and there will not be any surveillance. **Dave Millheim** explained that if the Council approves this Lease Agreement, the Planning Commission will receive notice that the City as a property owner approved and supports this action. However, if the elevation is amended in any way, the Agreement will be null and void. The Council discussed the exact location of the pole, the revenue terms, and possible health issues associated with cell towers.

**Motion**

**Rick Dutson** made a motion to authorize **Mayor Harbertson** to sign the Lease Agreement between Verizon Wireless and Farmington City for the purposes of locating a cell tower in the area of the police building with a condition that the tower cannot be higher than 60 feet. **Cory Ritz** seconded the motion which was approved by Council Members **Bilton, Dutson, Ritz, Talbot and Young**.

**3. Revocation and Abandonment of Easement – Farmington Creek Estates, Phase III**

This item was previously tabled, but because the builder and homeowner were both present, the **Mayor** allowed them to speak concerning this matter.

**Blake Matthews** has a contract to build a home on Lot 309, and when he applied for a building permit, he was told that before it could be issued, he would be required to release a 40-foot wide Chevron Gas Easement and P.U.E. on the entire subdivision. The existing home on Lot 316 has a swimming pool which encroaches on the 40-foot easement. He feels that a deck on Lot 309, which will be 15 feet away from the marked easement line, should also be allowed. He was given an unfair burden to release the easement on the entire subdivision—the other homeowners in the subdivision should be required to pay for their share. An engineer surveyed and marked the easement lines at a cost of \$500. He asked the Council to allow him to move forward with a building permit.

City Manager **Dave Millheim** pointed out that although mistakes were made in the past, the situation needs to be remedied. He gave a more detailed description of the problem and discussed the matter with the **Mayor** and City Council. He stressed the need for official Chevron documentation and said the City is the owner of a legal easement which protects the Chevron pipeline. The City does not want to abandon its rights to Chevron, but they are willing to draft a letter to Chevron asking if they will approve a modification of this easement.

**Brandon Funk**, owner of Lot 309 and member of the Woods Cross Planning Commission, has had his construction loan for six weeks, and he asked the City Council and the City Manager to make a decision tonight so that he could move forward on his home construction. **Dave Millheim** said that was not possible—he could not allow a temporary building permit without clearing up this easement issue. However, the Council determined that they would hold a special Council meeting on August 25, 2011 to consider the matter.

## **NEW BUSINESS:**

### **Proposed Sign Ordinance (Title 15) Revisions**

#### **Motion**

**Rick Dutson** made a motion to approve Ordinance No. 2011-\_\_\_\_ amending the Sign Ordinance (Title 15) of the Farmington City Code. The motion was seconded by **Cory Ritz** and approved by Council Members **Bilton, Dutson, Ritz, Talbot** and **Young**.

### **General Plan and Zoning Ordinance Amendment Discussion – Mixed Use and nearby areas**

**David Petersen** said the Council approved temporary zoning regulations on April 28, 2011, to allow time to review and consider possible amendments to the City's General Plan and Zoning Ordinance. City staff met with developers and experts to obtain their suggestions regarding residential and non-residential possibilities in Farmington's mixed use and other areas. **Mr. Petersen** presented the proposed changes and requested that the Council provide feedback no later than August 29, 2011.

### **Flag Lot Study Presentation and Policy Decision**

**David Petersen** said the Planning Department conducted a flag lot study pursuant to a request from the Council to create standards for flag lots in the City. The standards may include:

- Increase stem width which will allow more room for landscaping but will require more frontage, property and side yard areas to create flag lots;
- Prohibit flag lots in cul de sacs and in smaller lot zones such as the R, R-2, R-4, R-8 zones and the NMU and CMU zones and in conservation subdivisions and PUDs;
- Continue to allow flag lots in large lot zones developed conventionally—such as the LR, S, LS, AE, A, and AA zones, but at the same time increase stem length for flag lots in these zones.

He said another option would be to amend the City's Ordinance and prohibit flag lots. The Council provided input regarding the pros and cons and directed staff to prepare an ordinance.

### **Approval of Street Standards not listed in the Development Standards (The Haws Companies)**

The **Mayor** explained that the applicant is requesting approval of a revised site plan for the trail along the perimeter of Park Lane Village which includes paving the trail north of the existing Legacy connection and veering northwest on Red Barn Lane and ending at Station Parkway. They would like to pave the trail according to City trail standards rather than public street standards. He referred to the staff report which listed three conditions upon approval.

**Rich Haws** agreed with conditions #1 and #2 but he did not agree with condition #3. He said the Haws Companies would pay any amount over the \$325,000, but the City would provide a credit through impact fees which would be incurred during Phase 1. The **Mayor** explained that money was not allocated through the capital facilities plan, and no funds are available for additional costs.

**Dave Millheim** said that no one is debating the change in the trail—it is a better short-term solution. The City does not want to lose the trail along Shepard Creek because the two trails are compatible with each other. There was discussion regarding the original development agreement, the joint use of the trail, public safety, the width of the trail, and the striping/markings of the trail.

### **Motion**

**Jim Talbot** made a motion to approve the revised Park Lane Village trail location and corresponding public street standards not listed along Red Barn Lane as proposed in the attached site plan, subject to all applicable Farmington City ordinances and development standards and the following:

1. The applicant must provide a trail extension along Shepard Creek, southwest of Red Barn Lane, when future development occurs adjacent to the creek.
2. The City shall always maintain the right to improve Red Barn Lane in accordance with public street standards as listed in the City Development Standards, unless the right-of-way is vacated.
3. City staff shall create an amendment to the Development Agreement stipulating what the \$325,000 includes and ensuring that the City's impact fees are protected and remain intact;
4. The applicant shall include appropriate signage and striping of the street to determine the roadway vs. trails.

The motion was seconded by **Rick Dutson** and approved by Council Members **Bilton, Dutson, Ritz, Talbot** and **Young**.

### **GOVERNING BODY REPORTS:**

#### **City Manager Report**

- He referred to the list of upcoming agenda items and asked for Council input on the "To Do" lists.
- The grant request for Spring Creek Park was not approved—the agency did not have sufficient funds for all of the requests. Residents have asked what the City's plans are for the park, and he agreed to meet with **Neil Miller** to determine what can be done with the Park.

#### **Mayor Harbertson**

- There will be a meeting with Key Bank officials on August 31, 2011 at 11:30 a.m. to discuss possibilities for the Old Farm site.
- He and **Cory Ritz** will attend the town hall meeting on Wed., August 17, 2011.
- He commended **Neil Miller** and his staff for their efforts with the appreciation dinner.
- A Farmington resident has asked about the possibility of using a 2-acre piece of property the City owns for a community garden.
- Sports Authority had a successful grand opening of their new store in Farmington.
- Main Street received its historic designation—it will now go to the national committee.
- He and the City Manager participated in a bus tour sponsored by Davis County. It was an insightful meeting, and Farmington looks great compared to some other sites in the County.



- He plans to meet with resident **Jason Farr** regarding a trail easement on the side of his home.
- The annual Council shoot will be held on August 25, 2011 at 5:00 p.m., and spouses are invited.
- There is a meeting with **Nate Pugsley** on Thursday at 3:00 p.m. to discuss the possible purchase of the Old Farm development. **Rick Dutson** and **Jim Talbot** agreed to attend.

**Jim Talbot**

- He suggested that the City earmark the funds from the Verizon cell tower for a specific use rather than placing the money into the general fund.
- He proposed allowing political signs on City property six days prior to the elections in an effort to draw more voters.
- An article regarding the new artwork in the City building will be printed in the newsletter.

**Sid Young**

- He asked when the grand openings of Marshall's and Home Goods would be held. The City Manager said they are scheduled for August 25, 2011.
- Mile High stadium will be named Sports Authority Stadium.
- The north end of fire break road will be on private (**Jerry Stevenson**) property; the south end will be as shown, and the City is working on getting it finalized with the Forest Service.

**Rick Dutson**

- He expressed concern regarding the progress of the Class A Office Park and asked if the City could offer some type of incentive to help it move forward. **Dave Millheim** replied that the most important thing for the City to do is to get the infrastructure in place.

**Cory Ritz**

- Garbett Homes appears to be moving ahead with their Farmington Crossing development.

**John Bilton**

- He attended the open house for the new Historic Sycamore District.

**ADJOURNMENT**

**Motion**

**Rick Dutson** made a motion to adjourn the meeting. The motion was seconded by **John Bilton** and approved by Council Members **Bilton, Dutson, Ritz, Talbot** and **Young**. The meeting was adjourned at 10:05 p.m.

  
\_\_\_\_\_  
**Holly Gadd**, City Recorder  
Farmington City Corporation